

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

GS HOLISTIC, LLC,

Plaintiff, : Case No. 1:23-cv-00748

- vs -

District Judge Walter H. Rice
Magistrate Judge Michael R. Merz

WIRELESS & SMOKE LLC, et al.,

Defendants. :

ORDER

This case is before the Court upon the filing by Plaintiff of a second Motion to Dismiss the Counterclaim (ECF No. 13).

Plaintiff previously filed a Motion to Dismiss the Counterclaim (ECF No. 10) which the Defendants timely opposed (ECF No. 12). Under S. D. Ohio Civ. R. 7.2, Plaintiff was entitled to file a reply in support, but did not do so, filing instead this second motion.

In order to ensure that the issues involved are squarely and clearly presented, the first Motion to Dismiss (ECF No. 10) is STRICKEN as MOOT in light of the second Motion to Dismiss. Defendants will have until April 15, 2024, to oppose the second Motion and Plaintiff will have fourteen days after Defendants file any opposition to file a reply memorandum in support.

IT IS SO ORDERED.

March 28, 2024.

s/ Michael R. Merz
United States Magistrate Judge